

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PHILLIP BERRYMAN,
et al.,

Plaintiffs,

CIVIL ACTION NO. 06-CV-11010-DT

vs.

DISTRICT JUDGE BERNARD A. FRIEDMAN

JENNIFER GRANHOLM,
et al.,

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendants.

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**OPINION AND ORDER DENYING PLAINTIFFS' MOTION
TO TAKE JUDICIAL NOTICE**

This matter comes before the Court on Plaintiffs' Motion to take Judicial Notice filed on March 19, 2007. (Docket no. 41). Defendants have not responded to the motion. All pretrial matters have been referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(A). (Docket no. 10). The matter is now ready for ruling.

Rule 201, Fed. R. Evid., allows the Court to take judicial notice of certain adjudicative facts. However, there are limitations on the types of facts that may be judicially noticed. Eligible facts are those not subject to reasonable dispute in that they are either generally known within the territorial jurisdiction of the court or capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.

The facts of which Plaintiffs wish the Court to take notice are not proper under the Rule. Most of the facts that Plaintiffs propose will be disputed during this litigation. Therefore, Plaintiffs' motion will be denied.

IT IS THEREFORE ORDERED that Plaintiffs' Motion to take Judicial Notice (docket no. 41) is **DENIED**.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: April 09, 2007

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Opinion and Order was served upon Phillip Berryman and Counsel of Record on this date.

Dated: April 09, 2007

s/ Lisa C. Bartlett
Courtroom Deputy